

**REMARKS**

This amendment responds to the office action dated May 17, 2005.

The Examiner rejected claims 11, 12, 15, 19-22, 25, 29, and 30 under 35 U.S.C. § 102(e) as being anticipated by Vallone et al., U.S. Patent No. 6,642,939 (hereinafter Vallone). The Examiner rejected each of the remaining claims under 35 U.S.C. § 103(a) as being obvious in view of either Vallone or the combination of Vallone with one of Auflick, et al., U.S. Patent No. 6,820,238 or McKiel Jr., U.S. Patent No. 5,287,102.

Vallone discloses a TIVO navigation guide with a remote where transitional sounds may be used to indicate that a user of the remote is moving a highlight bar to another area and where warning sounds may indicate that a requested movement is not permitted. Vallone does not indicate that the transitional sound when navigating upwards through a hierarchical structure is different from the transition sound when moving downwards. Hence the transitional sound of Vallone merely indicates movement through a hierarchical structure and does not indicate movement upwards or downwards. Similarly, the warning sound does not indicate movement upwards or downwards.

Independent claim 11, as amended include the limitations of “a first aural signal associated with said first input having a first characteristic indicating to a user upward navigation through said hierarchical structure, said first characteristic independent of the set of data from which upward navigation commences” and a second aural signal associated with said second input having a second characteristic audibly different than said first audio characteristic indicating to a user downward navigation through said hierarchical structure, said second characteristic independent of the set of data from which downward navigation commences.” This limitation is not disclosed by Vallone, which merely discloses that transitional sounds may indicate movement, either upward or downward. There is no disclosure by Vallone of one signal for upward movement and another signal, audibly different from the first, to indicate downward movement.

The applicant further notes that the McKiel Jr. reference cited with respect to other claims, at best discloses that a user interface for a computer monitor may give audible signals

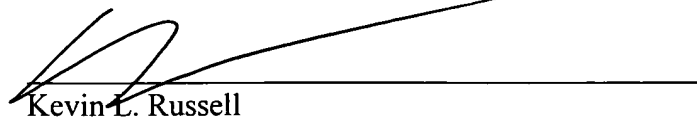
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indicating to a visually impaired person the relative position of a cursor on a screen and whether icons exist at certain locations. For example, though the audio signal at one horizontal screen slot is different than the signal associated with an adjoining slot, the signals do not indicate whether movement is occurring in an upward or downwards navigational direction; the signal at each horizontal location is identical regardless of the direction from which it was pointed to. Similarly, the signals would not indicate in which relative movement navigation is proceeding from a level to a sublevel and vice versa. Therefore, even the cited combination of McKiel and Vallone does not disclose the claim limitations of independent claims 11, nor its dependent claims 12 -20. Thus each of claims 11-20 is patentably distinguishable over the prior art and should be allowable.

Independent claim 21, as amended, includes the limitations of "a first aural signal associated with said first input having a first characteristic indicating to a user navigation from a current level to a sublevel of said current level, said first characteristic independent of the level from which said navigation commences" and "a second aural signal associated with said second input having a second characteristic audibly different than said first audio characteristic indicating to said user navigation from said sublevel of said current level to said current level, said second characteristic independent of the sublevel from which said navigation commences." This limitation is not disclosed by Vallone, which, at best, discloses that transitional sounds may indicate movement to a different hierarchical level, regardless of direction. As with respect to independent claim 11, the combination of Vallone with McKiel also fails to disclose the cited limitations because the combination would fail to provide audio signals indicating the direction of navigation.

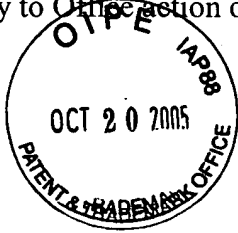
In view of the foregoing amendments and remarks, the applicant respectfully requests reconsideration and allowance of claims 11-30.

Respectfully submitted,



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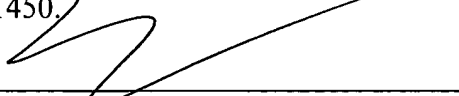
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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box Alexandria, VA 22313-1450.

Dated: October 17, 2005

  
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Kevin L. Russell